

SENATE JOURNAL
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TWENTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION

Juneau, Alaska

Friday

May 13, 2005

Third Day

Pursuant to adjournment the Senate was called to order by President Stevens at 8:04 p.m.

The roll showed seventeen members present. Senators Bunde, Davis, French were excused from a call of the Senate.

The prayer was offered by the Chaplain, Senator Wilken. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Lord: I'm proud to say, so far today
I've got along all right;
I have not gossiped, whined or bragged,
or had a single fight.
I haven't lost my temper once,
or criticized my mate,
I have not lied, I have not cried,
or loudly cursed my fate.

So far today I've not one time
been grumpy or morose,
I've not been spiteful, cold or vain,
self-centered or verbose.

But Lord, I'm going to need Your help
throughout the hours ahead,
so give me strength, Dear Lord, for now
I'm getting out of bed.

Heavenly Father, join us in prayer today as You drape the cloak of good upon our collective shoulders.

Help us remember that You have risen so that we may rise to reconcile our deeds to Your needs.

Give us the wisdom, the strength and the patience to remember too, that while we struggle with the minutiae of responsible government, there are many Alaskans that today struggle with the challenges of everyday life. Let us send them a message of hope; hope that when they rise tomorrow that the day ahead will be just a little better than the day that just passed.

We ask for this guidance in Your precious name.

Amen.

Senator Huggins led the Senate in the Pledge of Allegiance.

Certification

Senator Gary Stevens moved and asked unanimous consent that the journal for the one hundred twenty-first legislative day of the First Session, House and Senate Joint Journal Supplement No. 8, and the journals for the first and second days of the First Special Session be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

HB 130

Message dated May 12 was received, stating the House granted limited powers of free conference to the House conferees considering:

CS FOR HOUSE BILL NO. 130(FIN) am "An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest; and providing for an effective date"

and

SENATE CS FOR CS FOR HOUSE BILL NO. 130(FIN)

on the requested specific points.

Recede Messages

HB 147

Message dated May 13 was read, stating the House failed to concur in the Senate amendment to CS FOR HOUSE BILL NO. 147(FIN) am and respectfully requests the Senate to recede from its amendment, namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 147(FIN) "An Act relating to notice of suspension or revocation of an insurer's certificate of authority and the effect of the suspension or revocation upon the authority of agents and managing general agents of the insurer; relating to certain deposits under AS 21; relating to the yielding of assets and securities held on deposit; relating to third-party administrators under AS 21; relating to insurance agents, managing general agents, reinsurance intermediary managers, and insurance producers; requiring the director of insurance to notify a licensee of a license renewal before the renewal date; defining the term 'appointment' as used in part of AS 21; relating to the eligibility to provide coverage by a nonadmitted insurer and alien insurer; relating to surplus lines insurance and brokers; relating to misrepresentations and false advertising concerning insurance; relating to health discount plans; providing for limitations on owner controlled and contractor controlled insurance programs and limiting the coverage of those programs; prohibiting excessive, inadequate, or unfairly discriminatory rate charges for health insurance; defining the term 'plan administrator' as used in part of AS 21; defining the term 'transact' as used in AS 21; authorizing the director of insurance

to designate a person to receive annual reports from companies; reducing the period for filing a quarterly financial statement; and providing for an effective date."

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Rokeberg, Chair
Representative Anderson
Representative Gardner

Senator Gary Stevens moved that the Senate recede from its amendment and recommended the body vote no.

The question being: "Shall the Senate recede from its amendment?"
The roll was taken with the following result:

SCS CSHB 147(FIN)
Shall the Senate Recede from its Amendment
to CSHB 147(FIN) am?

YEAS: 6 NAYS: 11 EXCUSED: 3 ABSENT: 0

Yeas: Ellis, Elton, Guess, Hoffman, Kookesh, Olson

Nays: Cowdery, Dyson, Green, Huggins, Seekins, Stedman, Stevens
B, Stevens G, Therriault, Wagoner, Wilken

Excused: Bunde, Davis, French

and so, the Senate failed to recede.

The President appointed the following members to a Conference Committee to meet with the like committee from the House:

Senator Therriault, Chair
Senator Stedman
Senator Ellis

The Secretary was requested to notify the House.

Communications

The following Budget and Audit Report was received from Pat Davidson, Legislative Auditor, in accordance with AS 24.20.311 and is on file in the Office of the Secretary of the Senate:

Department of Transportation and Public Facilities, Force Account Projects, dated March 3, 2005

Special Committee Reports**SB 130**

May 13, 2005

Mr. President:

Mr. Speaker:

The Conference Committee considering CS FOR SENATE BILL NO. 130(FIN) am "An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; establishing a Workers' Compensation Appeals Commission; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for

appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees with respect to workers' compensation; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; making conforming amendments; providing for a study and report by the medical services review committee; establishing the Task Force on Workers' Compensation; and providing for an effective date"

and

HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD) am H "An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date" requests limited powers of free conference on the following specific points:

CS FOR SENATE BILL NO. 130(FIN) am

Sec. 1, Sec. 2, Sec. 3, Sec. 5, Sec. 6, Sec. 8, Sec. 9, Sec. 10, Sec. 14, Sec. 15, Sec. 17, Sec. 18, Sec. 21, Sec. 23, Sec. 24, Sec. 25, Sec. 26, Sec. 27, Sec. 29, Sec. 31, Sec. 32, Sec. 33, Sec. 37, Sec. 40, Sec. 41, Sec. 42, Sec. 44, Sec. 45, Sec. 46, Sec. 47, Sec. 49, Sec. 51, Sec. 52, Sec. 54, Sec. 55, Sec. 57, Sec. 58, Sec. 59, Sec. 60

HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD) am H

Sec. 1, Sec. 3, Sec. 5, Sec. 6, Sec. 7, Sec. 8, Sec. 9, Sec. 10, Sec. 11, Sec. 16, Sec. 17, Sec. 20, Sec. 21, Sec. 22, Sec. 23, Sec. 24, Sec. 25, Sec. 26, Sec. 28, Sec. 29, Sec. 30, Sec. 31, Sec. 32, Sec. 34, Sec. 36,

Sec. 37, Sec. 38, Sec. 39, Sec. 40, Sec. 41, Sec. 42, Sec. 43, Sec. 44, Sec. 45, Sec. 46, Sec. 49, Sec. 51, Sec. 54, Sec. 55, Sec. 56, Sec. 58, Sec. 59, Sec. 61, Sec. 63, Sec. 64, Sec. 65, Sec. 68, Sec. 69, Sec. 70, Sec. 71, Sec. 72

The detailed report of specific points is on file in the Senate Secretary's Office.

Signing the report: Senator Ben Stevens, Chair, Senators Seekins, Guess; Representatives Harris, Coghill, Guttenberg

President Stevens granted the Senate members limited powers of free conference as requested.

The Secretary was requested to notify the House.

SB 130

The following report was received and distributed at 5:20 p.m., May 13:

May 13, 2005

Mr. President:

Mr. Speaker:

The Conference Committee with limited powers of free conference considered CS FOR SENATE BILL NO. 130(FIN) am "An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; establishing a Workers' Compensation Appeals Commission; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical

benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees with respect to workers' compensation; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; making conforming amendments; providing for a study and report by the medical services review committee; establishing the Task Force on Workers' Compensation; and providing for an effective date"

and

HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD) am H "An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date" and recommends

CONFERENCE CS FOR SENATE BILL NO. 130
"An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on

Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date."

be adopted.

Signing the report: Senator Ben Stevens, Chair, Senator Seekins; Representatives Harris, Coghill

The following fiscal information was published today:

Fiscal Note No. 14, Alaska Court System

Fiscal Note No. 15, Department of Labor and Workforce Development

Fiscal Note No. 16, indeterminate, Office of the Governor

Senator Gary Stevens moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR SENATE BILL NO. 130.

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR SENATE BILL NO. 130 "An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date"?" The roll was taken with the following result:

CCS SB 130

Adopt Conference Committee Report?

YEAS: 11 NAYS: 6 EXCUSED: 3 ABSENT: 0

Yeas: Cowdery, Dyson, Green, Huggins, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, Guess, Hoffman, Kookesh, Olson

Excused: Bunde, Davis, French

and so, the report was adopted.

Senator Gary Stevens moved for the adoption of the Court Rule change.

The question being: "Shall the Court Rule change be adopted?" The roll was taken with the following result:

CCS SB 130

Adopt Court Rule change?

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

Yeas: Cowdery, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Excused: Bunde, Davis, French

and so, the Court Rule change was adopted.

Senator Gary Stevens moved for the adoption of the effective date clauses.

The question being: "Shall the effective date clauses be adopted?" The roll was taken with the following result:

CCS SB 130

Effective Date Clauses

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

Yeas: Cowdery, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Excused: Bunde, Davis, French

and so, the effective date clauses were adopted.

The Secretary was requested to notify the House.

HCR 19

Senator Gary Stevens moved and asked unanimous consent that HOUSE CONCURRENT RESOLUTION NO. 19 be brought up at this time. Without objection HOUSE CONCURRENT RESOLUTION NO. 19 was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 19 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 130, relating to workers compensation, pass the Senate?" The roll was taken with the following result:

HCR 19

Final Passage

YEAS: 12 NAYS: 5 EXCUSED: 3 ABSENT: 0

Yeas: Cowdery, Dyson, Green, Hoffman, Huggins, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, Guess, Kookesh, Olson

Excused: Bunde, Davis, French

and so, HOUSE CONCURRENT RESOLUTION NO. 19 failed.

HB 130

The following report was received and distributed at 2:35 p.m., May 13:

May 13, 2005

Mr. President:

Mr. Speaker:

The Conference Committee with limited powers of free conference considered CS FOR HOUSE BILL NO. 130(FIN) am and SENATE CS FOR CS FOR HOUSE BILL NO. 130(FIN) and recommends

CONFERENCE CS FOR HOUSE BILL NO. 130
"An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest; and providing for an effective date."

be adopted with a Legislative Letter of Intent.

Signing the report: Senator Wagoner, Chair, Senator Wilken; Representative Ramras, Chair, Representatives Weyhrauch, Salmon

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Fish and Game

Fiscal Note No. 2, Department of Law

Fiscal Note No. 3, Department of Natural Resources

Fiscal Note No. 4, University of Alaska

Senator Gary Stevens moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 130.

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 130 "An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest; and providing for an effective date?"
The roll was taken with the following result:

CCS HB 130

Adopt Conference Committee Report?

YEAS: 11 NAYS: 6 EXCUSED: 3 ABSENT: 0

Yeas: Cowdery, Dyson, Green, Hoffman, Huggins, Seekins, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, Guess, Kookesh, Olson, Stedman

Excused: Bunde, Davis, French

and so, the report was adopted.

Senator Gary Stevens moved for the adoption of the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CCS HB 130
Effective Date Clause

YEAS: 12 NAYS: 5 EXCUSED: 3 ABSENT: 0

Yeas: Cowdery, Dyson, Green, Hoffman, Huggins, Seekins, Stedman,
Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, Guess, Kookesh, Olson

Excused: Bunde, Davis, French

and so, the effective date clause failed.

The Secretary was requested to notify the House.

SB 141

The following report was received and distributed at 6:30 p.m., May
13, 2005:

May 13, 2005

Mr. President:

Mr. Speaker:

The Free Conference Committee considered CS FOR SENATE BILL
NO. 141(FIN) and HOUSE CS FOR CS FOR SENATE BILL NO.
141(FIN) am H and recommends

FREE CONFERENCE CS FOR SENATE BILL NO.
141 (forthcoming)

be adopted.

Signing the report: Senator Stedman, Chair, Senator Wilken. Signing
with disappointment: Senator Elton. Signing the report:
Representatives Kelly, Hawker, Kerttula

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Administration
Fiscal Note No. 3, Department of Revenue
Fiscal Note No. 4, Department of Revenue
Fiscal Note No. 5, Department of Revenue
Fiscal Note No. 6, Department of Revenue

Fiscal Note No. 7, Department of Revenue
Fiscal Note No. 9, zero, Department of Administration
Fiscal Note No. 11, Department of Administration

An Analysis prepared by the Free Conference Committee for SENATE BILL NO. 141 is on file in the Office of the Senate Secretary.

President Stevens stated the report will remain on the Secretary's desk.

Unfinished Business

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, May 14 to morning plane time, May 16. Without objection, Senator Olson was excused.

Announcements

Announcements are at the end of the journal.

Enrollment

SB 25

SENATE BILL NO. 25 "An Act relating to labeling and identification of genetically modified fish and fish products" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 8:38 a.m., May 13, 2005.

SB 103

SENATE BILL NO. 103 "An Act relating to regulation of underground injection under the federal Safe Drinking Water Act; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 8:38 a.m., May 13, 2005 with a Legislative Letter of Intent.

SB 124

HOUSE CS FOR CS FOR SENATE BILL NO. 124(FIN) am H "An Act relating to requirements to obtain and maintain a fisheries business license; relating to security required of fish processors and primary fish buyers; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 8:38 a.m., May 13, 2005.

SB 129

CS FOR SENATE BILL NO. 129(JUD) "An Act relating to the wrongful recording of a notice of pendency of an action relating to title to or right to possession of real property" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 8:38 a.m., May 13, 2005.

SB 133

SENATE BILL NO. 133 "An Act establishing the Aviation Advisory Board; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 8:38 a.m., May 13, 2005.

Memorandum from the Division of Legal and Research Services, Legislative Affairs Agency, reporting the following manifest errors in SENATE BILL NO. 133 which has been corrected in enrolling:

Page 3, line 10, following "of":

Insert "the"

Page 3, line 16, following "means":

Insert "the"

Page 3, line 21:

Delete "AS 44.42.010 - AS 44.42.080"

Insert "AS 44.42.010 - 44.42.080"

SB 153

SENATE BILL NO. 153 "An Act relating to international airports revenue bonds; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 8:38 a.m., May 13, 2005.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 1:00 p.m., May 14, 2005. Without objection, the Senate adjourned at 8:42 p.m.

Kirsten Waid
Secretary of the Senate

May 2005

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

JOINT COMMITTEES

CONFERENCE COMMITTEE ON HB 1

May 13 Friday Location Tba
 = HB 1 INCREASE AMT OF BASE STUDENT ALLOCATION

May 14 Saturday Location Tba
 = HB 1 INCREASE AMT OF BASE STUDENT ALLOCATION

CONFERENCE COMMITTEE ON HB 130

May 13 Friday Capitol 124 10:00 AM
 -- Please Note Time Change --
 = HB 130 UNIVERSITY LAND GRANT/STATE FOREST

CONFERENCE COMMITTEE ON HB 147

May 14 Saturday Location Tba 2:00 PM
 HB 147 INSURANCE REGULATION

CONFERENCE COMMITTEE ON HB 66 & HB 67

May 13 Friday Location Tba
 = HB 66 APPROP: MENTAL HEALTH BUDGET
 = HB 67 APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF

CONFERENCE COMMITTEE ON HB 66 & HB 67 (continued)

May 14	Saturday	Location Tba
=	HB 66	APPROP: MENTAL HEALTH BUDGET
=	HB 67	APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF

CONFERENCE COMMITTEE ON SB 130

May 13	Friday	Butrovich 205	9:00 AM
	-- Delayed to a Call of the Chair --		
=	SB 130	WORKERS' COMPENSATION/ INSURANCE	

FREE CONF COMMITTEE ON SB 141

May 13	Friday	Senate Finance 532	5:15 PM
	-- Note Time Change --		
=	SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT/BOARDS	